

Leon Blumenstock (Blumenstok)-Halban (1838–1897)

‘His name will permanently shine amongst the names of the most valued authors of legal medicine’ – such was Prof. Eduard von Hofman’s view of him, the pioneer of pathology and court entomology research. Within Poland Leon Blumenstock-Halban was the creator of the Cracow school of court medicine as well as the initiator of court-medical judgements, as well as psychiatry.

He was born on the 11th of March 1838 in Cracow into an assimilated Jewish family as the son of Salomon Blumenstock and Berta née Krauss. In 1856 he completed secondary school in Cracow with merit, while from 1857 to 1862 he studied at the Medical Faculty of the Jagiellonian University. He completed his degree, being awarded the degree of doctor in general science. In the same year, after studies during the summer term at the University of Vienna, he obtained a master’s degree in Obstetrics.

After his return to Poland the young doctor decided, as many of his colleagues did, in following with the ideals of Romanticism, to take part in the January Uprising. Following a brief participation in proceedings and the resulting period of imprisonment the young revolutionary and romantic transformed into a hard-nosed realist in his propagation of Organic Work. He was not imprisoned for long. In 1863 he took up the post of assistant at an ophthalmology clinic. He was also simultaneously employed for a short time

at the Jewish hospital in Cracow. Though lasting only four years, his employment at the ophthalmology clinic was to bring effects in the form of several publications on ophthalmology; it also resulted in him being accepted as a member of the elite Ophthalmology Society in Heidelberg. An extremely important event that was to have a significant influence on Leon Blumenstock-Halban's later career was his appointment as a court doctor by the Imperial National Court in Cracow in 1865. He was to hold this post until 1894. Towards the end of his life he commented on the work of legal experts: 'On the strength of my experience I am increasingly convinced that determination in adjudications in doubtful cases is proportionally the reverse to the experience of those adjudicating.'

Leon Blumenstock-Halban, in order to increase his knowledge of legal medicine and psychiatry which were at the time subjects in their infancy, travelled around German-speaking countries in 1868. He visited Heidelberg, Dresden, Prague and Vienna. In Berlin he visited the famous Moabit prison. During the course of this journey he was to adopt the views of Prof. Wilhelm Griesinger, who had organised a modern psychiatric clinic at Moabit. This journey was to result in broad contacts with the then pioneers of legal medicine and psychiatry, as well as adopting the views of the Berlin professor on psychiatry as a scientific field and the ways for a scientific approach towards the psychiatrically ill. The trip also resulted in an exceptionally important publication *O badaniu stanu umysłowego na podstawie obecnych pojęć psychiatrycznych* [On testing one's mental state on the basis of current psychiatric concepts]. This work incited the development of psychiatry study across the Habsburg monarchy. It also postulated a more subject orientated approach in Cracow to this, then, untaught subject. Legal-medical opinions of this time, in accordance with the words of the author, in cases of intellectually sick individuals 'lose out through serious ignorance, a lack of logic and sometimes of grammar itself.' It is worth adding here that Prof. Blumenstock opted many times for the introduction of a single uniform set of regulations across the entire territory of the Habsburg Empire for the diagnosis and treatment of the psychiatrically ill.

His work into the psychiatric state as well as the Polonization of the Jagiellonian University started already in 1861 to coincide with the onset of the constitutional era within the Habsburg Monarchy (from 1860), was to result in 1869 in Blumenstock obtaining the post of assistant professor in Legal Medicine and Medical Policing at the Jagiellonian University's Law Faculty. In the very same year he passed his post-doctoral examination on the basis of the thesis entitled *O wpływie medycyny sądowej na rozwój pojęcia dzieciobójstwa* [On legal medicine's impact on the development of the concept of infanticide]. The dissertation was an analysis of the relations between penal leg-

isolation and medicine. He showed a good awareness of the problem areas and no mean courage for he obtained his post-doctoral degree at the age of 31 at a faculty which only a few years earlier had rejected the attempt by one of the pioneers of sociology, the subsequent professor Ludwik Gumpłowicz, to do the same. A rumour of the time had it that Blumenstock knew his reviewers from student days, having been treated along with them for an embarrassing ailment. In 1871, he gained the title of associate professor in Legal Medicine and Medical Policing, as the first in the 650-year history of the Jagiellonian University's Law Faculty and at a department – the Select Department of Legal Medicine, which had only been created the year before. Thanks to him, it was to be students of law, and not of medicine, who were the first to participate in legal-medical post-mortems. His lectures were extremely popular. He would constantly refer to the achievements of the best in world literature. Professor Julius Kratter of Graz wrote about him thus: 'It is indeed rare these days to come across a medical author who is still able to cite passages from Goethe, Shakespeare, Byron, Ovid, and even more so Homer.' His lectures in Legal Medicine introduced these young law students into the mysteries of anatomy, physiology and surgery. Leon Blumenstock-Halban conducted his classes in anatomical museums as well as in psychiatric hospitals, presenting interesting examples of the mentally ill. He would pay for materials for students out of his own pocket – a pertinent fact when one remembers that it was only in 1873 that he was to obtain a regular salary at the Law Faculty.

Connected with the period of Prof. Blumenstock's teaching is the matter of a certain irritated candidate for a municipal physicist, who sat Blumenstock's examination in legal medicine as an element to qualify him for this position. The incident happened in 1879 and the candidate, a certain Dr Kukulski of Biecz, unfortunately failed the examination. After the examination, during the course of which Prof. Blumenstock constantly smiled, something the candidate took to be a good sign but which turned out to be a mere illusion, the doctor threatened that he'd 'knock Blumenstock's block off.' A few hours later in the course of the professor's constitutional with his wife in the environs of Floriańska Street where Blumenstock lived, Dr Kukulski, after politely greeting the professor's wife and taking him aside under the auspices of a private word or two, carried out his threat. The initially surprised Imperial Prosecution Service, somewhat taken aback that a well known individual and in addition a professor of the university was appearing in the role of a crime victim, started proceedings over a serious charge of actual bodily harm. Fortunately for the perpetrator, there was an absence of eye witnesses to the event. The only witness was the professor's wife and here she only heard a loud 'smack.' The actual injuries only resulted in 'a single day of discomfort' for Blumenstock. In these circumstances, the Imperial National

Criminal Court in Cracow found the perpetrator guilty and imposed a fine on him of 50 zł to be paid to the municipal fund for the poor for causing actual bodily harm.

Two years after the death of Prof. Stanisław Janikowski, on the 1st of August 1881 Prof. Blumenstock, having become a full professor, was to take over the Department of Legal and Government Medicine at the Jagiellonian University's Medical Faculty. He was to transform a small unit, one almost completely uninvolved in research and situated in a private tenement building on Kopernik Street, into a well-organised machine. L. Blumenstock's activities were characterised by two basic features. Firstly, he formalised the process for the course of a post-mortem and became a pioneer within Cracow autopsy protocols. The oldest legal medical autopsy protocol kept in Cracow dates back to 1882. Secondly, thanks to Blumenstock's efforts the Department started, following agreement with the municipal council, to carry out increasing numbers of post-mortems – from a mere 35 in the year he took over to over 108 in 1907. These activities resulted in the unit becoming an immense success. Meanwhile Blumenstock, as first rate an organiser as he was an academic and doctor, was twice elected dean of the Medical Faculty for his services (in the academic year 1886 and 1892). Thanks also partly to his endeavours the Medical Faculty and the Department were to gain in 1895 a new building at 16 Grzegórzecka Street, called Collegium Medicum. In 1892 he received as recognition of his service from Emperor Franz Joseph the title: von Ritter von Halban, and subsequently the title of honorary court councillor. In 1892 he gave up his position as editor-in-chief of *Przegląd lekarski* [The Medical Review]. Two years later, in 1894, Prof. Leon Blumenstock committed one of the greatest mistakes in his life by persuading his twenty-seven-year-old pupil and assistant Leon Wachholz, just recently made an assistant professor, to take over the department in Lvov. This was more than likely under the insistence of the professor's son – Alfred Halban, who wanted to protect his ill father. However, barely a year had passed before Prof. Leon Blumenstock travelled to Lvov and asked Wachholz to return to Cracow, informing him that he would have to retire for health reasons. In that year, Prof. Blumenstock noticeably aged, in accordance with the words of his pupil: 'he was a complete shadow of his former self, despite his mere 56 years he looked like a wizened old man of eighty.'

Some time later, on the day of his premature retirement (1st of October 1896) he was awarded the Order of the Iron Crown 3rd Class for his services to science.

Leon Blumenstock-Halban died at the age of 59 on the 28th of February 1897 in Cracow after a severe psychiatric illness which had lasted seven years. One of its causes was the colourful and pleasure-filled lifestyle so

characteristic for the Cracow professorate of the 19th century. He was buried at the Rakowicki Cemetery in Cracow. However, right to the very end he remembered about his beloved legal medicine Department, bequeathing his rich library to it, which on the resolution of the Medical Faculty Council was specially catalogued with the inscription: *a work from the gift of the late Prof. Halban (Blumenstock)*. In this collection were books with personal dedications given by the pioneers of legal medicine, chiefly from Germany including the earlier-mentioned Prof. Hofman, Prof. Adolf Sauenstien, Carl Liman, as well as Clark Bell, the president of the Legal Medical Society of New York, Prof. Katayama of Tokyo and many others. Professor L. Blumenstock-Halban extensively corresponded with them. In his industrious life he had tried to expand his academic activities across a range of fields, something that resulted in numerous publications both on medical subjects as legal ones; the main works amongst these numbered around 173. His works were also published in various western textbooks. Hence 31 of his articles were to be found in the 15-volume textbook by Prof. Albert Eulenburg *Real Encyklopädie der gesamten Heilkunde*, and three chapters in the 4-volume textbook by Prof. Josef Maschki *Handbuch der gerichtlichen Medizin*. Amongst Blumenstock's publications are famous works, ones translated, such as *Fortunato Fedeli – pierwszy autor sądowo-lekarski. Studium historyczno-sądowo-lekarskie; W dwóchsetną rocznicę próby płucnej; Prawo o broczeniu krwi* and the multiple part *Kazuistyka sądowo-lekarska*. His journalist bent found expression in his co-editing of *Przegląd Krytyczny* from 1873 to 1877, as well as the long-term editing of *Przegląd Lekarski* from 1877 to 1892. He was to make this second journal a success through its broad cooperation with Polish academics living all over the world. Apparently the reason he did not take over the department in Vienna, as well as rejecting a lucrative offer to write a textbook for the publishers Urban and Schwarzenberg, was that he preferred to run the editing board at *Przegląd Lekarski*. He was also a municipal councillor in Cracow for a while.

One of L. Blumenstock's special academic interests was the approach to the question of diagnosing insanity and the treatment of the mentally ill. In the second half of the 19th century, the so-called classical school dominated within criminal law across the Polish lands. It defined guilt as the psychological relation of the perpetrator to the deed. Soundness of mind was interpreted by the major part of doctors of the day to be the awareness of the unlawfulness of an act as well as the evaluation of its spontaneity. Leon Blumenstock, in a similar way to Prof. Wilhelm Griesinger earlier, rejected this viewpoint as flawed, considering that soundness of mind depended on whether the person carrying out an act was able to be directed by his own will – and this was the fundamental task of a doctor in court to determine. They were not to judge the accused's soundness of mind, but merely to inform the court about the

state of his own will. This is why L. Blumenstock rejected extreme determinism: 'A crime committed by a villain is as necessary for him as a stone falling. If he has no free will then it is impossible to talk of a crime as such views lead to an abdication of the law.' Blumenstock considered that there existed transitional states, so called 'states of being partially free willed' between illness and a state of full health. Today they are referred to as states of diminished responsibility.

Leon Blumenstock attempted to change the 'medieval' views on the treatment of psychiatric diseases and the transformation of asylums for the insane into homes for brain diseases. They were to be run by doctors with those traits of character essential for such work, namely: kindness, patience and understanding. Connected with the treatment of psychiatric illnesses were Prof. Blumenstock strivings to introduce a uniform set of psychiatric diseases regulations for the entire Austro-Hungarian Empire. Unfortunately, he did not manage to do this and, right up until the collapse of Austro-Hungary, these questions were regulated by ignored administrative decisions.

Blumenstock appeared in his professional life as an expert in court in cases that captured the interest of both Cracow society and the wider European stage, the most famous of these being the case of the nun, Barbara Ubryk. One may say without reservation that this matter, which became a classic of European Pitavals, was to become as famous as the Dreyfus Affair. It was also broadly commented on in 1870 by the then assistant professor Blumenstock within the pages of *Przegląd Lekarski*. Barbara Ubryk had, at the age of 23, entered an enclosed nunnery (where it was forbidden for nuns to go beyond the nunnery gate) of the Order of the Discalced Carmelites on Wesoła Street (presently 44 Kopernik Street, in Cracow). Presumably in 1842, that is two years after entering the nunnery, she developed the symptoms of a psychiatric disorder – an extreme form of nymphomania. As a result, six years later Barbara was locked up for 21 years in an unheated, darkened walled cell with very limited access to fresh air. The cell, after being opened in 1869, was aired for several days. During this time Barbara received no treatment besides bloodletting for her intensifying illness, which was taken for a mania or incurable ailment, with the application of therapeutic methods which recalled those of the Middle Ages:

[...] in 1853 the General of the Carmelite Order, during the course of a visit to the nunnery, recited a prayer for Barbara while Sister Rozalia recounts that Father Natalis on a visit to the nunnery gave her through the bars some threads on a piece of paper, saying that these were the relics of St. Dominic and that she should put them into Barbara's food and let her eat it and that she should say a prayer for her at the same time.

The Catholic Church and the Carmelite order tried to keep the matter of Barbara Ubryk a secret in order to avoid any problems that might affect

its good reputation and name. The situation was to change on the 20th of July 1869. An anonymous letter about the nun's situation was directed to the National Court in Cracow. The court, after calling a criminal senate council into being and undertaking detailed analysis, decided to refer the matter to an investigative judge, Dr. Władysław Gebhardt. He contacted Bishop Antony Gałęcki (the administrator for the Austrian part of the Cracow diocese) with the aim of obtaining permission for a mixed civil-church commission to investigate the territory of the closed nunnery, permission he obtained. At first the nuns did not want to allow the commission into the nunnery but finally Sister Teresa Kozierekiewicz, acting in place of the ill mother superior, acquiesced. The sight of the already described cell shocked the commission. From the commission's report the following picture of Barbara emerges: '[...] in the darkness next to the door emerged a living being without any clothing whatsoever, bent over squatting, filthy, with the head closely shaven; while the body was that of a veritable skeleton, bruised presumably from banging itself against the walls.' On the 22nd of July the nun was examined for the first time by experts, who during the course of their short visit stated that the mental state of the examinee was 'insanity verging on stupidity' (at the time this was a medical term used in determining the intelligence quotient – author's note (JW)). The court experts claimed, which is here most significant, that in this case 'despite the large amount of resistance known on the part of the mentally ill to external harmfulness [it] has to exert a damaging influence on the psychic state of the patient, or at least to have made an improvement impossible.' Finally they added 'in addition we need to mention that similar hygiene relations to those described would make a sane individual within the course of a few years, not to mention a dozen or so, mentally disturbed and psychically unstable.' On the 23rd of July, B. Ubryk was transferred to the Holy Spirit Hospital in Cracow (where the Słowacki Theatre currently stands).

The transferring of Barbara to hospital resulted in the affair of the imprisoned nun becoming public, with information appearing in the dailies *Kraj* and *Czas*. Possibly it was *Kraj* that best defined the matter in its edition of 25th of July: 'One could consider the matter to be a page torn from a medieval chronicle, some excerpt from a tale of the days of blind fanaticism and backwardness,' while Blumenstock recalled on the other hand that '[...] similar treatment was experienced until quite recently by the patients of certain state institutions [...].' In any case, the information about the situation at the Carmelite nunnery shocked the citizens of Cracow and towards the evening of the 24th of July a crowd of several thousand in a revolutionary and anti-clerical mood set about to storm the nunnery. Only thanks to the intervention of a unit of hussars was it possible to stop the inhabitants of Cracow from 'visiting' the nunnery on Wesola. During the course of the night, other

attacks also occurred on monasteries in Cracow. Units from the Cracow fortress were deployed in their defence although no weapons were used on the demonstrators. The troubles were to last for a few days more. On the 22nd and 25th of July the then prioress, Maria Wężykówna, and her predecessor Maurycja Ksawera Joseph as well as Julian Kozubski, the Carmelite prior of Czerna, the superior to the nunnery at Wesoła, were arrested. All three were arrested and charged with ‘public violations’ [illegal imprisonment] as well as ‘causing serious harm to [B. Ubryk’s] health.’ During the course of proceedings various conspiratorial theories appeared, presenting Barbara as imprisoned against her will as a result of unrequited love, also because of a failed attempt to escape the nunnery. This was propagated by Juliusz Stanisław Harbut (and his *Mały Rzym* [Little Rome]), as well as by Władysław Strażyński. The events recalled by them had taken place 21 years earlier, that is during the revolutions of 1848. During the course of enquiries it occurred that B. Ubryk’s state of health had interested the sisters of the order. However, they had been unable to do anything as the strict rules regulating the order, as well as the lack of agreement from the superior authorities in Rome had made it impossible to take the patient outside the nunnery. Yet the sisters, as the judge Gebhardt astutely noted, had broken their own regulation which clearly stated that ‘the sick should be treated with identical and equal care and their needs seen to.’

However, the matter of B. Ubryk was to remain unsettled. On the 25th of November 1869 the National Court in Cracow decided at a secret sitting to discontinue the proceedings. This decision was to be ratified by the Higher National Court on the 8th of March 1870. One of the reasons for the discontinuation of criminal proceedings were the regulations on the autonomy of religious orders in relation to religious vows, as stipulated in the concordat of 1855. These regulations were at odds with the later law on civil rights of 1862. The court did not proceed correctly, for it should have called on new experts in so far as no unequivocal answer to the following question had been given: what was the connection between the unfortunate nun’s mental illness and the bodily injuries she had sustained? Barbara Ubryk was to die, forgotten, in 1898.

This affair was widely commented on abroad, where at first the story of the nun from Cracow was taken to be a joke, although later was to receive wide-ranging commentary. The greatest interest was in Italy, where it found fertile soil. And namely how that final step blocking Italian unity was the Ecclesiastical State under the protection of France, occupying an area of Rome with fixtures. Italian liberals and nationalists made capital of *la monaca di Cracovia* to weaken the position of the Apostolic See. Numerous plays for the theatre and literary works appeared describing and even accentuating the matter. One may therefore ironically state that the affair in Cracow, this small

city on the Vistula, resulted in the acceleration and simplification of the process of Italian unity.

The story of the Ritter von Halban family was not to end with Prof. L. Blumenstock. The family was divided into two lines: the Polish and the Austrian. The latter had been founded by Leon's younger brother – Henryk, who was born in 1846, and was to complete a law degree at the Jagiellonian University and subsequently to become a journalist in Vienna. There he was spotted by Alfred Potocki, who was Austrian prime minister 1870–1871, and appointed by him a member of his press bureau. Henryk was to report on the government's activities as viewed in the Polish press. He was to be really promoted under the rule of Edward von Taaffe, prime minister from 1879 to 1893, who made him into a court councillor in 1885, and in 1886 the head of the State Council Chancellery. Through the support of Chancellor Taaffe, Henryk was ennobled together with his family for his services. His strongest position came after the formation of the government of Kazimierz Baden, prime minister between 1895–1897 when it was Henryk who actually led the government. After the government's fall Baden, who was hated, had to leave. Privately he was a great propagator of Polish literature and a translator of it into German. Through his marriage to the sister of the socialist member of parliament Wiktor Adler, he had a son, Hans Halban the elder, a professor of chemistry at Leipzig. His offspring were Hans Halban junior, an atomic physicist and colleague of Niels Bohr and Fryderyk Joliot-Curie. In 1939, together with Fryderyk Joliot-Curie and Lew Kowarski, he developed the theoretical bases for the chain reaction and use of atomic energy. He conducted intensive research from 1940 into the use of atomic energy initially in France and, following its occupation, in Great Britain. From 1942, he lived in Canada where he was one of the joint creators of the Montreal Laboratory – an element of the Manhattan programme, becoming its first director. He resigned from the position following a conflict with his colleagues. After the war he became one of the joint creators of the French nuclear programme.

The Polish line of the Halban family stayed true to the medical-legal traditions of its founder – Leon Halban. Leon's son Alfred was a professor of Canon Law at the university in Czerniowce, and then in Lvov, where for a short period of time he was rector. He was elected to the Bukowiński Sejm, to the Galician Nation, and to the Austrian State Council, and through later this to the Polish Legislative Sejm from 1919 to 1922. In 1925 he turned down the position of Polish envoy to Berlin. His brother Henryk was a professor of Psychiatry and Neurology at Lvov University.

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